

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Wingate Inns International Incorporated,)	
)	C.A. No. 4:01-2225-TLW-SVH
Plaintiff,)	
)	
vs.)	ORDER
)	
North Shore Hospitality, LLC, Patty A.)	
Reese, and Haricharen J. Mishra, a/k/a/)	
Michael Mishra,)	
)	
Defendants.)	
)	

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Shiva V. Hodges, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In her Report, Magistrate Judge Hodges indicates as follows:

This matter is before the court on motion of defendant Patty A. Reese, now known as Patty Serio (“Reese”) to be dismissed from this case [Entry #109]. Plaintiff Wingate Inns International Incorporated has indicated it does not intend to pursue its claims against Reese. [Entry #110]. Therefore, the court interprets the parties’ filings collectively as a stipulation of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) of all claims by or against Reese and recommends Reese be dismissed from this action. Further, it appearing that the reasons underlying the stay in this case no longer exist, the undersigned recommends the stay be lifted, the case be restored, and a new scheduling order issued to govern the remainder of the deadlines.

No objections to the Report have been filed.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections

have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 116), defendant Reese is **DISMISSED** from this action, the stay in this case is **LIFTED**, and the case is **RESTORED** to the docket. In light of the past procedural history and age of this case, the Magistrate Judge is requested to enter a new scheduling order to govern the remainder of the deadlines.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

May 13, 2011
Florence, South Carolina